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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,735	07/08/1999	JAMES MCKEETH	5949-11	7062

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2179

NOTIFICATION DATE	DELIVERY MODE
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05/21/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary

Application No.

09/349,735

Applicant(s)

MCKEETH, JAMES

Examiner

Truc T. Chuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8, 14-16 and 19-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 14-16, 19-22, and 23-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This communication is responsive to an Amendment, filed 05/03/07.

Claims 1-5, 8, 14-16, 19-22, and 23-40 are pending in this application. Claims 1, 14, 19, 22, 25, and 33 are independent claims. In the communication, claims 1, 14, 19, 22, 25, and 33 are amended are amended, and claims 6-7, 9-13, and 17-18 are previously cancelled. This action is made final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Objections

1. Claims 19-21 are objected because it is unclear as to whether they are directed to statutory subject matter (35 USC 101). Claims may lack the necessary physical articles or objects to constitute a machine or a manufacture. They may be not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They can be software, or they are, at best, functional descriptive material *per se*. The Examiner suggests that the claims should be started with "A computer-readable storage medium containing/storing/having a computer program/instruction..."

Claim Rejections - 35 USC § 102

2. Claims 1-5, 8, 14-16, 19-22, and 23-40 are rejected under 35 U.S.C. 102(e) as being anticipate by Sullivan et al. ("Sullivan", U.S. Patent No. 6,694,314 B1).

As to claims 1 and 22, Sullivan shows a method for performing interactive computer diagnostic and maintenance actions on an electronic device, the method comprising:

presenting via the electronic device a graphical representation of a text markup language document providing control for maintenance and diagnostics of the electronic device to an end user wherein the graphical representation includes at least one user interactive control for activating at least one hypertext link (an "active content" page is Web-based content (i.e., content viewable by a Web browser) that has one or more diagnostic maps initiated when certain actions are taken (e.g., selecting a link, clicking a button, or the like), a given diagnostic map is associated with a page via a URL, although any convenient mechanism may be used to associate a page and a map. When that URL results from selecting a link or button on the Web page, a Web server supporting the support chain automation system has extensions that recognize it as a map, e.g., col. 3 lines 15-39, and figs. 7-8);

upon receiving an activated hypertext link from the end user wherein the hypertext link is associated with hypertext link attributes by the text markup language document including attributes specifying a target and a uniform resource locator (e.g., col. 8 lines 53-67, and col. 9 lines 30-49);

determining in the electronic device whether the activated hypertext link satisfies predetermined criteria (an HTTP request is then made to the automated technical support server, and based on the contact information (as well as other basic parameters such as OS type, values entered by the user in problem submission fields, and the like) passed a

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link to a Current Category that the problem is associated with, and a set of SubCategories, each with appropriate links, e.g., col. 8 lines 30-50); and

when the activated hypertext link satisfies the predetermined criteria, avoiding loading the activated hypertext link as a text markup language document and generating a disk image responsive to receiving the activated hypertext link, and when the activated hypertext link does not satisfy the predetermined criteria, loading a text markup language document corresponding to the uniform resource locator (the applicants have amended the claims to create two conditions, which mean if a first condition is satisfied then avoiding to load the activated hyperlink and generating a disk image; else if a second condition is not satisfied then loading the text markup language document. Therefore, the if-else condition can be interpreted as only either one of the conditions is satisfied. In this case, the examiner could interpret that only the second condition is affirmed, which means only loading the text markup language document without loading the disk image as claimed in the first condition. Sullivan clearly discloses of loading the “active content” pages or hypertext web pages documents by using the Web-based browser during live help or technical support section. It clearly means that the system of Sullivan is still be able to read on the new claim language as amended by the applicants).

As to dependent claim 2, Sullivan shows the text markup language is hypertext markup language (HTML, e.g., col. 11 lines 10-25).

As to dependent claim 3, Sullivan shows the text markup language is Rich Text Formatting (HTML is a Rich Text Formatting).

As to dependent claim 4, Sullivan shows generating a disk image comprises executing a file designated by the uniform resource locator (e.g., the user activates the link to diagnose the system, col. 3 lines 15-38, and col. 11 lines 30-55, figs. 8, 9, & 12).

As to dependent claim 5, Sullivan shows the method further comprising looking up the uniform resource locator in a database and wherein generating the disk image is responsive to information specified in the database as relating to the uniform resource locator (e.g., col. 8 lines 30-50).

As to claim 8, Sullivan shows generating the disk image comprises executing a disk image dialogue with a source specified in the uniform resource locator (e.g., col. 3 lines 15-38, and col. 11 lines 30-55, figs. 8, 9, & 12).

As to claims 14-16, they are the equivalent system claims of method claims 1, 5, and 2 respectively and are rejected under a similar rationale.

As to claims 19-21, they are the equivalent computer program product claims of method claims 1, 5, and 4 respectively and are rejected under a similar rationale.

As to dependent claim 23, Sullivan shows performing the computer maintenance action comprises generating a disk image (e.g., col. 3 lines 15-37).

As to dependent claim 24, Sullivan shows performing the computer maintenance action comprises installing a device driver for a hardware component of the electronic device (e.g., figs. 8-12).

As to claim 25, it can be rejected under a similar rationale as claims 1 or 22 above.

As to dependent claim 26, Sullivan shows extracting device information comprises retrieving information from a database (from a content database, e.g., col. 2 lines 18-22).

As to dependent claim 27, Sullivan shows the device information comprises a device identifier (e.g., figs. 8-9).

As to dependent claim 28, Sullivan shows the device information comprises a subsystem identifier (fig. 9 shows the WWINTL32.DLL library file is considered a subsystem of the Microsoft Word 97).

As to dependent claims 29-30, Sullivan shows configuring the hardware device driver comprises deleting (modifying) at least one file (it would have been inherent that the Sullivan's system has the capability of fixing, removing, deleting, or replacing a file (if it is an error file as shown in fig. 8) during configuring or fixing the client's software).

As to dependent claim 31, Sullivan shows configuring the hardware device driver comprises deleting at least one registry entry (checking registry, e.g., 13 lines 28-30).

As to dependent claims 32, Sullivan shows installing the hardware device driver comprises rebooting the electronic device (it would have been inherent that the Sullivan's system has the capability of rebooting the electronic device because the most of the Microsoft Windows' software (as shown in figs. 8-9) after they are installed, updated, or reconfigured, the user has to reboot the computer to reactive the new software version).

As to claims 33-40, they are the equivalent system claims of method claims 25-32 respectively and are rejected under a similar rationale.

Response to Arguments

3. Applicant's arguments filed 03/05/07 have been fully considered but they are not persuasive.

Applicants argued and Examiner disagrees with the followings:

Sullivan does not show that when the activated hypertext link satisfies the predetermined criteria, avoiding loading the activated hypertext link as a text markup language document and generating a disk image responsive to receiving the activated hypertext link, and when the activated hypertext link does not satisfy the predetermined criteria, loading a text markup language document corresponding to the uniform resource locator.

The applicants have amended the claims to create two conditions, which mean if a first condition is satisfied then avoiding to load the activated hyperlink and generating a disk image; else if a second condition is not satisfied then loading the text markup language document. Therefore, the if-else condition can be interpreted as only either one of the conditions is satisfied. In this case, the examiner could interpret that only the second condition is affirmed, which means only loading the text markup language document without loading the disk image as claimed in the first condition. Sullivan clearly discloses of loading the “active content” pages or hypertext web pages documents by using the Web-based browser during live help or technical support section. It clearly means that the system of Sullivan is still be able to read on the new claim language as amended by the applicants.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Truc T. Chuong

05/07/09



WEILUN LO
SUPERVISORY PATENT EXAMINER